

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY,
FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JOHN J. MURPHY III

IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION

Pertains to: RITA SHIFRIN

Case No.: 08-000521

PLAINTIFF'S AMENDED MOTION FOR EXPEDITED TRIAL DATE

PLAINTIFF, LAURA SHIFRIN as Personal Representative of the Estate of RITA SHIFRIN, by and through undersigned counsel, hereby files this Amended Motion for Expedited Trial Date, and states:

This is an *Engle* progeny lawsuit filed by Ms. Shifrin for the wrongful death of her mother Rita Shifrin. Plaintiff Laura Shifrin has chronic kidney disease. *See* Exhibit A, Dr. Note from Dr. Robert G. Perry. According to Ms. Shifrin's treating physician, Ms. Shifrin's kidney disease is Stage 4 and is rapidly progressing. Dr. Perry further indicates Ms. Shifrin is a poor candidate for kidney transplant or hemodialysis which greatly affects her life expectancy. *Id.* Given Ms. Shifrin's poor health, Plaintiff is seeking an expedited trial setting. The Court has previously encouraged *Engle* plaintiffs who are elderly or infirm to come forward and seek expedited trial dates.

Should this Court require Plaintiff to wait a year to try her case, it will effectively prevent

her from her day in court which could be reversible error. *See Higgins v. Johnson*, 422 So. 2d 16 (Fla. 2d DCA 1982) (quashing an order for continuance where the plaintiff had terminal cancer and may die before trial as plaintiff's death could materially prejudice his legal position and change the character of the lawsuit).

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Amended Motion for Expedited Trial Date, and for further relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of April 2016, the foregoing document was served on all counsel of record through the Florida E-Filing Portal.

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s/Jonathan Gdanski
By: Jonathan R. Gdanski
Florida Bar No. 0032097

Exhibit A

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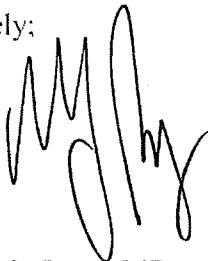
March 24, 2016

RE: Laura Shifrin Feldman

To Whom It May Concern;

Laura has been under my care since 09/2013. I am closely familiar with her history and current medical conditions. Laura has expressed she is currently involved in an ongoing legal matter that is taking longer than expected. She has been diagnosed with chronic kidney disease stage 4, which is rapidly progressing. She is a poor candidate for hemodialysis or kidney transplant, thus greatly affecting life expectancy. In addition, she also suffers from poorly controlled diabetes among other health related issues. Due to her poor medical prognosis and deteriorating health status, I recommend the case be expedited as much as possible. If you have any questions regarding this matter, please don't hesitate to contact me.

Sincerely;

A handwritten signature in black ink, appearing to read 'R. G. Perry', with a stylized flourish at the end.

Robert G. Perry, MD.